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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,747

08/29/2006

Marc Seidel

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11/03/2008

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EXAMINER

BUCKLE JR, JAMES J

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

11/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,747	Applicant(s) SEIDEL, MARC	
	Examiner JAMES J. BUCKLE JR	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/16/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a Final Office action in response to communications received on June 16, 2008. Claims 1-12 have been amended. Therefore claims 1-12 are pending and examined below.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 6/16/2008 was filed after the mailing date of the Non-Final Office Action on 3/25/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Amendment

2. Applicant's amendments to the claims are sufficient to overcome claim objections and rejections under 35 U.S.C. 103 made in the previous office action.

Claim Objections

3. Claims 2 and 3 objected to because of the following informalities: the phrase "in particular" is recited and renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (4,272,929) in view of Applicant's Admitted Prior Art (AAPA).

6. Regarding claim 1, Hanson discloses a tower (Fig. 1) for a wind generator comprising a first tower segment (18) having a wall (Wall) comprising concrete material (Col.2, line 21) and a second tower segment (12) having a wall, wherein the wall of the second tower segment (12) comprises an end portion (End Portion) embedded in an embedment portion of the wall (Wall) of the first tower segment (18) and wherein the second tower segment (12) within its embedded end portion comprises a plurality of anchoring elements (34,36) projecting radially from an outer surface of the wall of the second tower segment (12), the plurality of anchoring elements being arranged along an axial direction of the second tower segment. The Examiner considers the plurality of anchoring elements capable of preventing an internal force of concentrations within the wall of the first tower segment. Hanson does not distinctly disclose the wall as comprising steel. However, AAPA teaches in Fig. 5, Item 3 and page 2 Lines 19-20 a tubular steel tower. Steel is commonly utilized material in the building industry to provide strength and rigidity to structures. The tubular tower comprising steel as taught by AAPA can be used to provide strength and rigidity for tall, heavy or large towers that support street lighting or freeway signs. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the tubular tower of Hanson

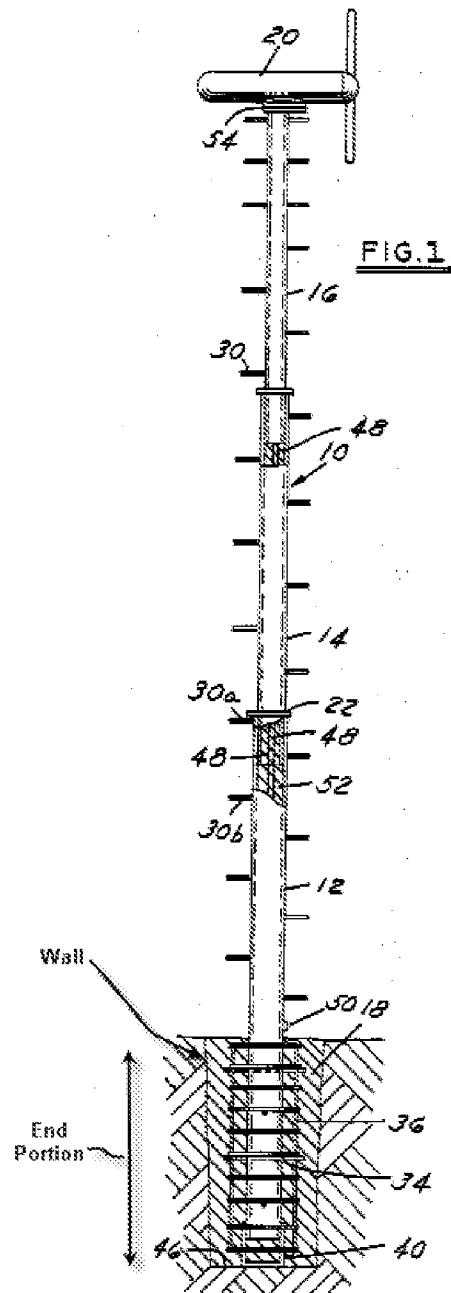
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with steel as taught by AAPA to provide strength and rigidity to enhance the overall strength and rigidity of the structure.

7. Regarding claim 2, Hanson discloses the tower of Claim 1, wherein the first tower segment is tubular, and cylindrical (Col. 2, lines 18-27).

8. Regarding claim 3, Hanson discloses the tower of Claim 1, wherein the second tower segment is tubular and cylindrical (Column 2, Lines 18-27).

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Reproduced from U.S. Patent No. 4,272,929

9. Regarding claim 9, Hanson discloses the wall of the first tower segment (18) further comprising a reinforcement element (40) in its embedment portion.

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10. Regarding claim 10, Hanson discloses the first tower segment that comprises concrete its embedment end portion but does not specify the concrete as being “pre-stressed”. However, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pre-stressed concrete, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

11. Regarding claim 11, Hanson discloses the first tower segment comprising "pre-stressing" element (36) axially extending through at least the embedment portion and arranged so as to face the outer surface of the embedded end portion of the second tower segment (12). The examiner notes the limitation of the elements being "pre-stressed" does not add structure to the elements.

12. Regarding claim 12, Hanson disclose the plurality of anchoring elements (34) that are arranged at the surface of the embedded end portion of the wall of the second tower segment and adjacent to the "pre-stressing elements (36) of the first tower segment (18).

13. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (4,272,929) and Applicant's Admitted Prior Art (AAPA), further in view of Singleton et al. (U.S. Patent No. 2,987,855)

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14. Regarding claims 4, 5, and 8, Hanson and AAPA discloses a tower as set forth above with a plurality of anchoring elements (34) having a free end portion opposite to the wall of the second tower segment but does not disclose the free end portion being enlarged. However, Singleton et al. teaches that it is known to have a plurality of anchoring elements (Item 11, Fig. 1 and 3) welded to a surface of another structure that has an enlarged end portion comprising a headed stud (15), that is better suited to strengthen and help counteract forces as well as to attach another concrete that surrounds the structure for a more composite construction system. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the tower as disclosed by Hanson and AAPA with the anchoring elements as taught by Singleton et al. to have a stronger composite construction system.

15. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (4,272,929) and Applicant's Admitted Prior Art (AAPA), further in view of Cowles (U.S. Patent No. 1,078,575)

16. Regarding claims 6 and 7, Hanson discloses a tower as set forth above, but does not disclose the plurality of anchoring elements extending contiguously in a circumferential direction of the second tower segment. However, Cowles teaches that it is known to have a plurality of anchoring elements (Fig. 1 and 2) with annular portions (12,13) that extend contiguously in a circumferential direction as preferable design choice as well as an convenient construction arrangement that resulted in a desired strength as any other arrangement. Therefore, it would have been obvious to one of

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ordinary skill in the art to modify the tower disclosed by AAPA with the anchoring element as taught by Cowles to have a tower with anchoring elements that provided an alternate arrangement and resulted in desired reinforcement strength for the supporting structure.

Response to Arguments

17. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Glessner
Examiner
Art Unit 3633

JJB

/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635